

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH SIEBERT, ET AL.,

Plaintiffs,

v.

BANK OF NEW YORK MELLON, F/K/A
THE BANK OF NEW YORK, AS
SUCCESSOR TO JP MORGAN CHASE
BANK, NATIONAL ASSOCIATION (AS
TRUSTEE),

Defendant.

Case No. 18-11809

SENIOR UNITED STATES DISTRICT
JUDGE ARTHUR J. TARNOW

MAGISTRATE JUDGE MONA K.
MAJZOUB

**ORDER CONSTRUING PLAINTIFFS' OBJECTION [5] AS A MOTION TO REMAND AND
DENYING MOTION**

On May 1, 2018, Plaintiffs Kenneth Siebert and Kimberly Shorter Siebert filed a Complaint [Dkt. 1-2] against Defendant Trustee The Bank of New York Mellon ("BONY") in Wayne County Circuit Court. Plaintiffs allege violations of Michigan's usury statutes and the Michigan Consumer Protection Act ("MCPA"), as well as wrongful foreclosure.

Defendant Trustee removed the case to this Court on June 6, 2018. One month later, Plaintiffs filed an Objection to Removal [5], arguing that the amount

in controversy is less than the threshold amount of \$75,000. They asked the Court to remand the case back to Wayne County Circuit Court.

The Court met with counsel for both parties during a status conference on July 25, 2018. During the conference, Plaintiffs' counsel decided to withdraw his objection to removal.

The Court construes Plaintiffs' Objection to Removal as a motion for remand. *Bobel v. Met Life Home Loans, Inc.*, No. 11-10574, 2011 WL 1831741, at *1 (E.D. Mich. May 13, 2011). Because Defendant Trustee has established that the amount in controversy more likely than not exceeds the \$75,000 threshold, and there is otherwise no objection to removal,

IT IS ORDERED that Plaintiffs' motion to remand is **DENIED**.

SO ORDERED.

s/Arthur J. Tarnow

Arthur J. Tarnow
Senior United States District Judge

Dated: July 26, 2018